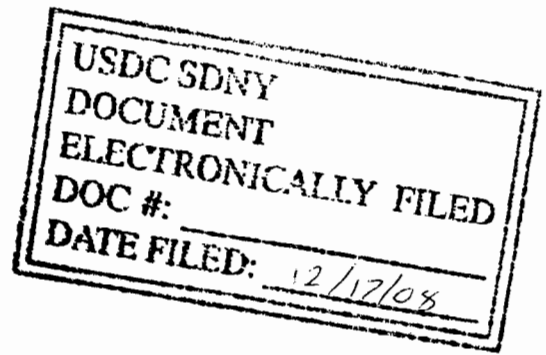


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Fax: (212) 918-3100



*Attorneys for Non-Party Charles Forelle*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_X

UNITED STATES OF AMERICA

08 Cr. 366(RLC)

v.

**ORDER TO SHOW CAUSE**

JAMES J. TREACY,

Defendant.

\_\_\_\_\_X

This matter having come before the Court on the application of Hogan & Hartson LLP, attorneys for non-party Charles Forelle ("Forelle"); and

The Court having read the declaration of Forelle, sworn to on December 15, 2008 and the declaration of Slade R. Metcalf, sworn to on December 17, 2008 and the memorandum of law in support of Forelle's motion to quash the subpoena served upon him by the United States Attorney for the Southern District of New York (the "United States Attorney") on November 27, 2008 (the "Subpoena"); and

Good cause appearing, it is hereby

ORDERED, that the United States Attorney show cause before Judge Robert L. Carter of this Court in Courtroom 20B at the U.S. Courthouse, 500 Pearl Street, New York, New York on January 16, 2009 at 5 o'clock in the P M. or as soon thereafter as counsel can be heard, why an order should not be entered quashing the Subpoena which requires Forelle to testify at the criminal trial of James J. Treacy ("Treacy") on the grounds that the

United States Attorney cannot overcome the qualified journalist's privilege, and, in any event, the United States Attorney has not demonstrated why Forelle's testimony is relevant in the trial of this action; and it is further

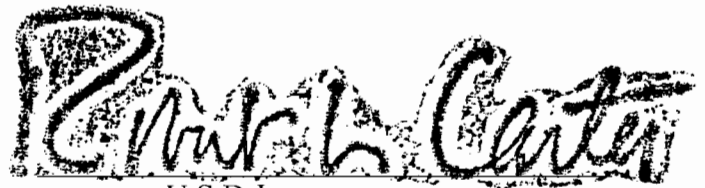
ORDERED, that service of a copy of this Order to Show Cause, together with the underlying papers upon which it was granted, shall be deemed good and sufficient service if delivered by hand or electronic mail to the offices of Joshua A. Goldberg, Assistant United States Attorney at One St. Andrews Plaza, New York, New York 10007 and to Treacy's counsel, Evan T. Barr at Steptoe & Johnson LLP, 750 Seventh Avenue, Suite 1900, New York, New York 10019 on or before 10 o'clock A M., December 18, 2008; and it is further

ORDERED, that papers in opposition to this motion, if any, shall be served by hand or by electronic mail upon Hogan & Hartson LLP at 875 Third Avenue, New York, New York 10022, Attention: Slade R. Metcalf, Esq. & Rachel F. Strom, Esq., no later than 5 o'clock P M. on the 27<sup>th</sup> day of January, 2009; and it is further

ORDERED, that reply papers regarding this motion, if any, shall be served by hand or by electronic mail upon Joshua A. Goldberg, Assistant United States Attorney at One St. Andrews Plaza, New York, New York 10007 and to Treacy's counsel, Evan T. Barr at Steptoe & Johnson LLP, 750 Seventh Avenue, Suite 1900, New York, New York 10019 on or before 5 o'clock P M., January 16, 2009; and it is further

~~ORDERED, that oral argument on this motion to quash shall be held before this Court on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ M.~~

Dated: New York, New York  
December 17, 2008

  
U.S.D.J.